

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – March 7, 2006**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Joseph Herlihy
William Dobrowolski
James Murphy
Daniel Shipley

MEMBERS ABSENT

Walter Bowditch

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Androscoggin Room **Start:** 9:04 a.m. **Adjourn:** 2:55 p.m.

CALL TO ORDER

The meeting was called to order at 9:04 a.m.

AGENDA MODIFICATIONS

A motion was made by Joseph Herlihy to add the following to the agenda; seconded by James Murphy. Unanimous.

- I. Complaint Officer's Report
 - A. #2005-REC-2330 – Review/Approval of Letter of Guidance
 - B. #REA-244 – Review/Approval of Consent Agreement
- II. Correspondence
 - A. Letter from Appraisal Subcommittee – February 27, 2006

OLD BUSINESS

Action on Minutes of February 7, 2006 Meeting

A motion was made by James Murphy to approve the minutes of the February 7, 2006 meeting as presented; seconded by William Dobrowolski. Unanimous.

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Action on Tabled Applications/Items

NAME	APPLYING TO	ACTION
#1	<p>Upgrade from licensed residential to sit for certified residential exam</p> <p>Min 120 QE bal met? = Yes</p> <p>Min 24 months exp met? = first licensed RA: 06/19/2002 to 10/23/2003 AP: 10/23/2003 to present</p> <p>Has min 2500 hours wk exp with “come” major appraisal experience documented in the file</p>	<p>8/7/06 - @180 days to resubmit</p> <p>2/7/06 – Decision signed</p> <p>1/3/06 – Appeal hearing held; appeal withdrawn; given 180 days to submit additional appraisals</p> <p>11/4/05 – Rec’d appeal letter</p> <p>11/6/05 – End of 30 day appeal period</p> <p>10/7/05 – Denial letter sent</p> <p>10/4/05 – Deny §14023(2)(5) – lack of competency to conduct “major” appraisals; §14031(1); Chapter 200 Section 4(B)(2)</p> <p>10/4/05 – Report on review of appraisals - Shipley</p>
#2	<p>Upgrade from licensed residential to sit for certified residential exam</p> <p>Min 120 QE bal met? = Yes</p> <p>Min 24 months exp met? = first licensed RA: 01/19/1996 to 11/16/1998 AP: 11/16/1998 to present</p> <p>Has min 2500 hours wk exp with “some” major appraisal experience documented in the file</p>	<p>8/7/06 - @180 days to resubmit</p> <p>3/7/06 – Board review</p> <p>2/15/06 – 3 appraisals received</p> <p>2/7/06 – Decision signed</p> <p>1/3/06 – Appeal hearing held; appeal withdrawn; given 180 days to submit additional appraisals</p> <p>11/21/05 – Appeal received</p> <p>11/1/05 – Deny; 30 day appeal = 12/01/05</p> <p>11/1/05 – Report on review of appraisals - Charest</p>

NEW BUSINESS

Hearing – Lisa Atkins

The hearing in the matter of Lisa Atkins was called to order. Daniel Shipley recused himself from the hearing. Atkins was present and not represented by an attorney. Assistant Attorney General Andrew Black attended as counsel for the Board. Kenneth Charest, Board Chair, acted as Hearing Officer. Public deliberations were conducted at the close of the hearing. A motion was made by Joseph Herlihy to deny the appeal based upon the applicant’s inability to demonstrate the ability to appraise complex properties; seconded by James Murphy. Charest, Dobrowolski, Herlihy, and Murphy voted in the affirmative; Bell opposed. Motion carried.

Administrator’s Report

L.D. 1919 – Public hearing held February 7, 2006. Will need rule making to make the necessary changes to the current rules in anticipation of changes effective 1/1/2008.

The 2006 USPAP rule making is in process. USPAP books will not be mailed to all licensees. A notification will be sent indicating how licensees can obtain the publication.

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Confidentiality of information: Discussed what type of information is considered confidential relating to access of records.

Complaint Officer's Report

#REA-212/213: A motion was made by William Dobrowolski to dismiss upon finding no violation of Board statute or rules and issue a Letter of Guidance regarding format of reports, failure to disclose factual information, explaining and supporting adjustments, and selection of comparables; the Letter of Guidance shall remain in the licensees' files for a period of two years; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-214: A motion was made by William Dobrowolski to dismiss upon finding no violation of Board statute or rules and issue a Letter of Guidance regarding format of reports, failure to disclose factual information, explaining and supporting adjustments, and selection of comparables; the Letter of Guidance shall remain in the licensee's' file for a period of two years; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-237: A motion was made by Bruce Bell to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-255: A motion was made by Daniel Shipley to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-256/257: A motion was made by William Dobrowolski to reject the amended Consent Agreement submitted by the licensee and continue with the Agreement as originally offered; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-258/259: A motion was made by William Dowborolski to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-260: A motion was made by James Murphy to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Charest, Murphy, and Shipley voted in the affirmative; Dobrowolski opposed; Herlihy abstained. Motion carried.

#2005-REA-2330 – Review/Approval of Letter of Guidance: A motion was made by James Murphy to approve the Letter of Guidance as proposed; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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#REA-244 – Review/Approval of Consent Agreement: A motion was made by James Murphy to accept the Consent Agreement as proposed; seconded by Bruce Bell. Bell, Charest, Herlihy, and Murphy voted in the affirmative; none opposed; Dobrowolski and Shipley abstained. Motion carried.

Review and Action on Applications and Education

NAME	APPLYING TO	ACTION
#1	Trainee – took education from NH Community Technical College	03/07/06 – Motion by Murphy to deny; seconded by Herlihy. Charest, Dobrowolski, Herlihy, Murphy, and Shipley voted in the affirmative; Bell opposed. Motion carried. 03/07/06 – this provider is approved by the NH Board
#2	Upgrade from trainee to sit for licensed residential exam Min 90 QE bal met? = Yes 135 QE hours on file Min 2000 exp met? = Yes 1 st lic 4/5/99 – 2000+ wk exp on file	03/07/06 – tabled 03/03/06 – P/C with applicant; wants to revise app to “AP”; have rec’d official notification of change of app Issues with 1 st 50 requirement – this rule came into effective 3 years after he became a trainee
#3	Upgrade from trainee to sit for certified residential exam Min 120 QE bal met? = No 75 QE hours on file; needs to take 45 more hours Min 24 months exp met? = Yes 1 st lic 4/4/02 Min 2500 hours wk exp w/some major/complex appraisals? – 2673 hours on file	03/07/06 – tabled 03/06/06 – P/C to supv; mistakenly took multiple “CE” courses; request to table for a month while she gets classes completed
#4	Upgrade from trainee to sit for certified residential exam Min 120 QE met? = No 90 QE hours on file Min 24 months exp met? = Yes 1 st licensed 6/27/03 Min 2500 hours wk exp w/some major/complex appraisals? – 3107 hours on file	03/07/06- tabled 03/06/06 – needs to document 30 more QE; called and left a message
#5	Upgrade from licensed residential to sit for certified residential exam Min 120 QE bal met? = Yes 135 QE hours on file Min 24 months exp met? = Yes 1 st lic: RA 02/01/2000 AP 12/23/2002 Min 2500 hours wk exp w/some major/complex appraisals – No 2110	03/07/06 – tabled 03/06/06 – not enough work hours on file; called to request additional hours; he will provide; request to table to next month

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Continuing Education Audit Issues: A motion was made by James Murphy to initiate the complaint process regarding the following individuals; seconded by Joseph Herlihy. Unanimous.

NAME	DATE RENEWED	DATE AUDIT SUBMITTED	ISSUE	ACTION
Saunders, Daniel	12/27/2005	02/17/2006	Missing 7 hour USPAP	3/2/2006 – called and left message informing of omission
Mulready, Robert	1/13/2006	02/22/2006	Thought he had taken USPAP within the 2 year period, but had not	2/10/2006 – of his own accord he took and completed the 7 hour national USPAP
Buttermark, William	12/21/2005	02/21/2006	Was confused @ renewal cycles and dates of courses he took	02/21/2006 – anticipates completing courses within next two weeks
Davis, Clark	12/16/2005	03/06/2006	Was confused @ number of CE required and dates	03/02/2006 – as of 2/28/2006 has taken 29 CE
Pierce, Charles	01/12/2006	03/02/2006	Had not taken 7 hour USPAP at time of renewal	03/02/2006 – has enrolled in 7 hour USPAP, but has not completed as of this date

Correspondence

USPAP Q&A – February 2006: Provided for informational purposes.

Letter from Appraisal Subcommittee – February 27, 2006: Provided a copy to members for review.

Brendan Hall – received e-mail requesting double credit for two trainees performing inspections: A motion was made by William Dobrowolski to deny the request; seconded by Joseph Herlihy. Unanimous.

Next Meeting Scheduled for April 4, 2006

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

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Susan Greenlaw, Board Clerk